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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

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9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 BRIANA WATERS,
13 Defendant.

14 CASE NO. CR05-5828RBL

15 ORDER REGARDING
16 SENTENCING PROCEDURE

17 THIS MATTER comes before the Court on Defendant's conviction, and the Court having
18 set September 23, 2011 at 1:30 p.m. for sentencing, it is hereby
19 **ORDERED**

20 **At least six (6) days prior to the Sentencing Hearing, Counsel shall inform the probation
21 officer and the courtroom deputy, Jean Boring at (253)882-3823, whether or not an
22 evidentiary hearing will be necessary at the sentencing and, if so, whether
23 witnesses will be called, who they will be, and an estimated length of the hearing**

- 24 1. A presentence report is to be prepared by the U.S. Probation Department.
25 2. Not less than thirty-five (35) days before the sentencing hearing, the United States
26 probation officer shall furnish the presentence report to the defendant, the defendant's counsel
27 and the attorney for the government. Within fourteen (14) days after receiving the presentence
28 report, the parties shall communicate in writing to the probation officer, and to each other, any
 objections to any material information, sentencing classifications, sentencing guideline ranges,
 and policy statements contained in or omitted from the presentence report. After receiving
 objections, the probation officer may require the defendant, the defendant's counsel, and the
 attorney for the Government to meet with the probation officer to discuss unresolved factual and

1 legal issues. The probation officer may also conduct a further investigation and revise the
2 presentence report as appropriate.

3 Not less than seven (7) days before the sentencing hearing, the probation officer shall
4 submit the presentence report, as revised, together with any addendum, setting forth any
5 unresolved objections, the grounds for those objections, and the probation officer's comments
6 on the objections and the sentencing recommendations, to the Court, the defendant, the
7 defendant's counsel and the attorney for the Government.

8 3. If the Government intends to file a § 5K1.1 motion for substantial assistance, the
9 motion must be served on all counsel and filed under seal fourteen (14) days prior to
10 sentencing. In such event, the Government must also serve and file under seal a written
11 statement of the nature and extent of the defendant's cooperation. Any motion under § 5K1.1
12 and the supporting written statement must also be provided to the probation officer who has
13 prepared the presentence report. If the Government files a § 5K1.1 motion requesting that the
14 Court depart from the Guidelines, the defendant may file, in response, his or her version of the
15 defendant's cooperation. Any such response by the defendant must be filed at least six (6)
16 court days prior to sentencing and may be included in the defendant's sentencing
memorandum.

17 4. In the event the defendant wishes to provide a written statement accepting
18 responsibility, the statement should be signed by the defendant. The original should be
provided to the United States Probation Office with a copy to the United States Attorney at least
fourteen (14) days prior to sentencing.

19 5. Counsel for the United States or for a defendant shall serve copies of any sentencing
20 memorandum or related documents upon all other parties and upon the United States Probation
Office at least six (6) court days prior to sentencing.

21 The Clerk of the Court shall send uncertified copies of this Order to all counsel of record and
22 to the U.S. Probation Office.

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BENJAMIN H. SETTLE
United States District Judge